



## NATIONAL LABOR RELATIONS BOARD

### Region 32

Ronald V. Dellums Federal Building & Courthouse  
1301 Clay Street, Suite 300N  
Oakland, CA 94612-5224

Telephone: 510/637-3300

FAX: 510/637-3315

Website: [www.nlr.gov](http://www.nlr.gov)

Region 32's E-Mail: [region32@nlrb.gov](mailto:region32@nlrb.gov)

August 26, 2008

Ms. Genevieve Mendoza  
2921 Alphose Dr.  
Ceres, CA 95307

Re: Valley Fresh/Hormel  
Case 32-RD-1548

Dear Ms. Mendoza:

The above-captioned case, petitioning for an investigation and decertification of representative under Section 9(c) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

**Decision to dismiss:** On numerous occasions the Board agent assigned to the above-captioned matter has sought your cooperation in the processing of your petition. In particular, numerous telephone calls and letters to you in the past month have not been answered. In such circumstances, further proceedings herein are not warranted, and I am, thus, dismissing the petition. Furthermore, it is noted that the investigation disclosed that on August 27, 2007, two days prior to the filing of the petition, the Employer and the Union had signed a successor collective bargaining agreement. Although you previously asserted that the contract at issue is not valid because the employees in the bargaining unit twice voted not to ratify it, a careful reading of its terms revealed that employee ratification was not an express condition precedent in the contract itself. Thus, such ratification was not necessary for the contract to be valid. *Appalachian Shale Products Co.*, 121 NLRB 1160 (1958). Accordingly, as the valid, signed collective bargaining agreement serves as a bar to an election, a question concerning representation could not have been raised by your petition in any event. As you are aware, although the contract term herein is five years, it constitutes a bar to an election only for its first three years. *General Cable Corp.*, 139 NLRB 1123 (1962); *General Dynamics Corp.*, 175 NLRB 1035 (1969).

**Your Right to Obtain a Review of Dismissal Action:** Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing an appeal with the Executive Secretary, National Labor Relations Board, 1099 14<sup>th</sup> Street, N.W., Washington, DC, 20570-00001. A copy of such appeal must be served upon each of the parties to the proceeding, including the undersigned.

August 25, 2008

***Request of Review Due Date:*** The request for review must be received by the Executive Secretary for the Board by the close of business at 5:00 p.m. (EDT), September 8, 2008. However, if you mail the request for review, it will be considered timely if it is postmarked no later than the day before the due date. Request for review may **not** be filed by facsimile.

An appeal also may be filed electronically by using the e-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at [www.nlr.gov](http://www.nlr.gov), under "**E-GOV.**" Select "**E-filing**" and then click on "File an Appeal or Other Document" under the heading "General Counsel's Office of Appeals." The Website will contain detailed instructions on how to file an appeal electronically.

***Extension of Time to File Request for Review:*** Upon good cause, the Board may grant special permission for a longer period within which to file a request for review. If you a request for extension of time with the Executive Secretary in Washington, you must send a copy of your request to the other parties to this proceeding and to me.

***Request of Review Contents:*** The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to dismiss the petition. The request for review and any request for extension of time must include a statement that a copy has been served on the other parties this proceeding and on me and that service has been accomplished in the same or faster manner as that used to serve the Board.

Very truly yours,

/s/ Alan B. Reichard  
Alan B. Reichard  
Regional Director

cc:

Kim Quinn  
Valley Fresh/Hormel  
680 D Street  
Turlock, CA 95380

Mr. Joseph Dreesen, Esq.  
Berens and Tate, PC, LLO  
10050 Regency Circle, Suite 400  
Omaha, NE 68114

Mike Fursman  
UFCW, Golden State, Local 8  
2007 Yosemite Boulevard  
Modesto, CA 95354

Office of the Executive Secretary  
Mildred Wright  
National Labor Relations Board  
1099 – 14<sup>th</sup> Street, N.W.  
Washington, DC 20570-0001